

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
STATE OF CALIFORNIA

In the Matter of the Petition of:)	
)	
SRIDHARA K. S. IYENGAR, M.D.)	OAH NO. N 1998040364
4610 F. Cerrovista Drive)	
Anaheim, CA 92807)	
)	
Certificate No. B 11452212)	
)	
Petitioner)	
_____)	

DECISION AFTER NONADOPTION


The proposed decision of the administrative law judge was submitted to the Board on June 18, 1998. After due consideration thereof, the Board declined to adopt said proposed decision and thereafter on August 12, 1998 issued an Order of Nonadoption and subsequently issued an Order Fixing Date for Submission of Written Argument. The time for filing written argument in this matter having expired, written argument having been filed by both parties and such written argument, together with the entire record, including the transcript of said hearing, having been read and considered, and oral argument having been heard, pursuant to Government Code Section 11517, Panel A of the Division of Medical Quality of the Medical Board of California hereby makes the following decision order:

DECISION AND ORDER

The attached proposed decision of the Administrative Law Judge dated June 18, 1998 is hereby adopted as the Panel's decision in this matter.

This decision shall become effective on January 4, 1999.

IT IS SO ORDERED this 3rd day of December, 1998.



IRA LUBELL, M.D.
Chairperson
Panel A

**BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Petition for Termination
of Probation:)

Sridhara K.S. Iyengar, M.D.)

Physician's & Surgeon's)

Certificate No.: C-42391)

Respondent)

Case No.: 04-92-19645

OAH No.: N-1998040364

**NOTICE OF NON-ADOPTION
OF PROPOSED DECISION**

The Proposed Decision of the Administrative Law Judge in the above-entitled matter has been **non-adopted**. The Medical Board of California, Division of Medical Quality, will decide the case upon the record, including the transcript and exhibits of the hearing, and upon such written argument as the parties may wish to submit, including in particular, argument directed to the question of whether the proposed penalty should be modified. The parties will be notified of the date for submission of such argument when the transcript of the above-mentioned hearing becomes available.

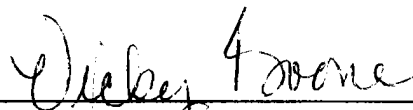
To order a copy of the transcript, please contact the Transcript Clerk, Office of Administrative Hearings, 560 J Street, Suite 300, Sacramento, CA 95814.

In addition to written argument, oral argument will be scheduled if any party files with the Division within 20 days from the date of this notice a written request for oral argument. If a timely request is filed, the Division will serve all parties with written notice of the time, date and place for oral argument. Oral argument shall be directed only to the question of whether the proposed penalty should be modified. Please do not attach to your written argument any documents that are not part of the record as they cannot be considered by the Panel.

Please remember to serve the opposing party with a copy of your written argument and any other papers you might file with the Division. The mailing address of the Division is as follows:

Division of Medical Quality
MEDICAL BOARD OF CALIFORNIA
1426 Howe Avenue
Sacramento, CA 95825-3236
(916) 263-2527

Dated: August 12, 1998



Vicky Boone, Associate Analyst
Enforcement Legal Unit

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
STATE OF CALIFORNIA

In the Matter of the Petition of:)	
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SRIDHARA K.S. IYENGAR, M.D.)	OAH NO. N 1998040364
4610 F. Cerrovista Drive)	
Anaheim, CA 92807)	
)	
Certificate No.)	
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Petitioner.)	
_____)	

PROPOSED DECISION

Stewart A. Judson, Administrative Law Judge, State of California, Office of Administrative Hearings, heard this matter on May 20, 1998, at Oakland, California.

K. Weisel, Deputy Attorney General, represented the Attorney General of the State of California.

Mark A. Levin, Esq. represented the petitioner.

FINDINGS OF FACT

I

The Medical Board of California (the Board) issued physician and surgeon certificate No. B 11452212 to Sridhara K.S. Iyenga, M.D. (petitioner) on February 1, 1988.

II

An accusation dated February 25, 1994, was brought against petitioner alleging cause for disciplinary action for sexually offensive conduct involving two female registered nurses and for falsifying an application for privileges at a hospital. In February 1995, petitioner executed a stipulation in settlement whereby he admitted

“forcing unwanted familiarities on two female staff members at Anaheim Memorial Hospital in 1991 and 1992.” The Board revoked petitioner’s certificate, stayed the revocation and admitted petitioner to five years probation on certain conditions effective June 16, 1995.

III

Petitioner’s Petition For Penalty Relief is dated December 16, 1997. As of that date, he had two years and five months remaining on probation.

IV

Petitioner completed his medical education at Assam Medical College, University of Dibrugarh, Assam, India, in 1967. He completed a rotating internship at Assam Medical College in 1969 and a residency in general surgery at Queen’s University, Kingston, Ontario, Canada, in 1975. Thereafter, he underwent training in Houston, Texas, by Denton Cooley, M.D. His specialty is cardiovascular and thoracic surgery. He was board certified in general surgery in 1984 and cardiovascular/thoracic surgery in 1995. He has a solo practice in Fountain Valley, California, and has memberships in Fountain Valley Regional Hospital, Saddleback Memorial Medical Center, Western Medical Center (Santa Ana), Anaheim Memorial Hospital, Pacifica Hospital (Huntington Beach), Anaheim General Hospital and Garden Grove Hospital.

V

Petitioner underwent a psychiatric evaluation in August 1991 and counseling for six months. In 1992, he was an inpatient at The Meadows, in Arizona, where he participated in a four-week intensive psychotherapeutic program. No evidence of an underlying mood disorder or any other psychiatric disorder was discerned. Thereafter, his privileges at Anaheim Memorial were suspended for 90 days based upon the allegations later brought against him before the Board. In 1995, petitioner was evaluated on three occasions at Raymond Anderson, Ph.D.’s Sexual Behavior Laboratory in Van Nuys. He underwent numerous diagnostic tests and measurements. Dr. Anderson’s diagnosis was that petitioner “does not appear to suffer from a clearly diagnosable psychiatric disorder of either psychotic or major neurotic proportion.” Specialized inventory measures “portray him as a sexually normal male... He does not place a high priority on sex.”

VI

Petitioner views his conduct in keeping with the way he was raised. He believes he was insensitive to others’ feelings and had no knowledge of the psychology of human boundaries until the events leading to his discipline. He expressed sincere regret for what occurred and assurances that such conduct will not recur.

VII

Petitioner is in compliance with the terms of his probation. He has completed 20.75 classroom hours and 24 hours in activities outside the classroom under the requirement that he be involved in activities designed to heighten his awareness of the effects of sexually offensive conduct on women in the workplace. In his petition, he submitted two letters from physicians on his behalf.

Gilbert A. Zucker, M.D. writes that he has known petitioner professionally for eight years through their work at Fountain Valley Hospital. He is aware of petitioner's disciplinary status. He describes petitioner as very capable.

Terence M. O'Heany, M.D. writes that he has known petitioner professionally for eight years. He is aware of petitioner's disciplinary status. He describes petitioner as a very good surgeon and a leader for others. He believes petitioner has learned his lesson. He has observed petitioner interact with and treat female staff members, including nurses, with respect and describes his professionalism and decorum as always ethical.

DETERMINATION OF ISSUES

The evidence shows that petitioner is sufficiently rehabilitated at this time to warrant granting the petition.

ORDER

The petition of Sridhara K.S. Iyengar, M.D. for penalty relief is granted.

DATED: June 18, 1998



STEWART A. JUDSON
Administrative Law Judge
Office of Administrative Hearings